



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application on Appeal of :
:
Applicants : LINCOLN, Stephen E. and :
KNAPP, Michael R. :
: Examiner: FREDMAN, Jeffrey N.
Serial No. : 09/618,178 :
: Group Art Unit: 1637
Appeal No.: 2007-2518 :
:
Filing Date: 18 July 2000 :
:
Title : "Automatic Genotype Determination" :

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30 October 2007

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**INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR 1.97(b)(4)**

SIR or MADAM:

Pursuant to 37 CFR 1.97(b)(4), the attorneys for the applicants hereby bring to the attention of the Patent and Trademark Office the following publication broadly related to the field of the invention of the application identified above:

M. C. GIDDINGS *et al.* "An adaptive, object oriented strategy for base calling in DNA sequence analysis," *Nucleic Acids Research*, 1993, pages 4530 – 4540, volume 21, No. 19, Oxford University Press ("the Giddings *et al.* publication").

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The Giddings *et al.* publication is identified on the accompanying Form PTO/SB/08B and a copy of the publication is submitted with this statement.

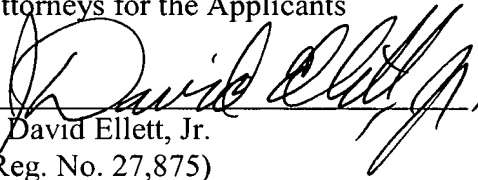
The attorneys for the applicants take no position on whether or not the Giddings *et al.* publication constitutes prior art against the subject application under any particular provision of Title 35 of the United States Code.

The present information disclosure statement is being submitted simultaneously with a request for continued examination (RCE) of the application. The subject application is under appeal pursuant to a notice of appeal filed on 14 April 2006. Consequently, prosecution of the subject application is closed, as required under 37 CFR 1.114(b) for filing a request for continued examination. The appeal has been assigned appeal No. 2007-2518. An appeal brief was filed in the appeal on 17 November 2006 and a reply brief was filed on 12 April 2007. The request for continued examination transmittal form submitted herewith includes a statement that incorporates by reference the arguments of the previously filed appeal brief and reply brief and thus; according to the *Manual of Patent Examining Procedure*, § 706.07 (h) II, first paragraph; constitutes a reply to the outstanding final Office Action of 12 October 2005 for purposes of the submission requirement of 37 CFR 1.114(c). The present information disclosure statement and the request for continued examination transmittal form PTO/SB/30 submitted herewith together constitute a submission accompanying the request for continued examination as required under 37 CFR 1.114(a)(c), which request for continued examination is being timely submitted before abandonment of the subject application as required under 37 CFR 1.114(a).

Respectfully submitted,

Attorneys for the Applicants

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